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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

UNITED STATES OF AMERICA,	)	
	)	3:06-cr-00186-LRH-RAM
Plaintiff,	)	
	)	<u>ORDER</u>
vs.	)	
	)	
DAVID LEROY LANTRY,	)	
	)	
Defendant.	)	
_____	)	

Before the court is Government’s Sealed Ex Parte Motion Requesting an *In Camera* Review (#64) concerning whether the Government has an obligation to provide discovery of reports related to investigation upon an allegation of excessive use of force by Officer Joseph McMinn in April 1998. Officer McMinn is an alleged victim and material witness in the pending action against Defendant David Leroy Lantry and the court is familiar with the alleged facts concerning the pending action.

Upon review of Exhibit 1 to the Government’s motion, the court finds the evidence reflected within Exhibit 1 is potentially impeaching of Officer McMinn in the event that he should testify at the trial in this action and for that reason, it is discoverable and must be provided to the defense pursuant to the principles of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) .

The court’s ruling is on discoverability and is without prejudice to arguments concerning admissibility at trial.

IT IS, THEREFORE, ORDERED that the Motion for an *in camera* review (#64) is

1 GRANTED. The review has been conducted and the court finds the subject of the motion  
2 constitutes discoverable evidence and should be provided to the defense.

3 IT IS SO ORDERED.

4 DATED this 15th day of July, 2008.



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8 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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